

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WORDLOGIC CORPORATION, a Nevada  
corporation and 602531 BRITISH  
COLUMBIA LTD., a Canadian corporation,

Plaintiffs,

v.

TOUCHTYPE LIMITED d/b/a SWIFTKEY, a  
Delaware corporation,

Defendant.

Case No.

COMPLAINT FOR PATENT  
INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiffs WordLogic Corporation ("WLC") and 602531 British Columbia Ltd. ("602531") (collectively "WordLogic") for their complaint against defendant TouchType Limited d/b/a SwiftKey ("SwiftKey"), allege as follows:

**I. NATURE OF THE ACTION**

1. This is an action for patent infringement under 35 U.S.C. § 271, et seq.

2. This action arises out of the activities of defendant SwiftKey, relating to the making, selling, offering for sale, licensing, and/or using predictive text technology for computer devices in the United States that constitutes direct or indirect infringement of one or more claims of United States Patent 8,552,984 entitled "Method, System, Apparatus and

Computer-Readable Media For Directing Input Associated with Keyboard-Type Device" (the " '984 Patent") (a true copy of the '984 Patent is attached and marked **Exhibit A**).

## II. PARTIES

3. Plaintiff WLC is a United States corporation (Nevada) with a principal place of business at 1130 West Pender Street, Suite 230, Vancouver, British Columbia V6E 4A4 Canada.

4. Plaintiff 602531 is a Canadian corporation with a principal place of business at 1130 West Pender Street, Suite 230, Vancouver, British Columbia V6E 4A4 Canada. Plaintiff 602531 is a wholly owned subsidiary of WordLogic. Plaintiff 602531 is the owner of the '984 Patent, which is corroborated by the U.S. Patent and Trademark Office Assignment Branch records. See <http://assignments.uspto.gov/assignments/q?db=pat&qt=pat&reel=&frame=&pat=8552984&pub=&asnr=&asnri=&asne=&asnei=&asns=> .

5. On information and belief, defendant SwiftKey is a United States corporation (Delaware) with a principal place of business at 21 Lawn Terrace, London, United Kingdom SE3 9LL and 261 Hamilton Ave, Suite 425, Palo Alto, California 94301.

## III. JURISDICTION AND VENUE

6. This is an action arising under the Patent Laws of the United States, Title 35 of the United States Code, particularly, including 35 U.S.C. §§ 271, 281, 283, and 284. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

7. The acts and transactions complained of herein were carried out, made effective, and had effect with the State of Washington and within this District, among other places. Venue in this District is proper under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(a) because WordLogic is informed and believes that defendant SwiftKey has committed acts of infringement in the State of Washington and in particular in King County. Further, SwiftKey's

1 website <http://swiftkey.com/en/> is directed to predictive text technology for computer devices,  
2 particularly mobile smartphones, throughout the country, including users residing in this  
3 judicial district. WordLogic is informed and believes that SwiftKey willfully infringed the  
4 patent and that such infringement arose out of transactions and occurrences in King County.

#### 5 **IV. FACTS**

6 8. WLC is a world leader in predictive text technology for computerized  
7 devices. Predictive text technology predicts letters, words and short phrases when the user  
8 types in a letter or a few letters on a keyboard. Once an initial letter has been typed, the  
9 software predicts the next most probable letters, as well as other most likely word choices.

10 9. WLC has been licensing and/or selling its predictive text technology  
11 since 2001. WLC operates its website <http://www.wordlogic.com/> for information about its  
12 predictive text technology. WLC owns many patents and pending patent applications. Many of  
13 the patents are foundational. The '984 Patent, attached as Exhibit A, is foundational.

14 10. The '984 Patent is directed to computer implemented method and system  
15 claims directed to predictive text where processing input key events associated with user input  
16 that are received, monitored, redirected from a Process A to Process B. Process A, which may  
17 be a text messaging application, has its input redirected to Process B, which may be a text  
18 prediction algorithm process or a text (e.g., spelling) correction algorithm process. Process B  
19 analyzes the input from a user and then output the predicted text which can include (a) the letter  
20 that was typed with no modifications, (b) a full word which was guessed, or (c) a corrected  
21 word which was guessed to remove incorrectly typed words. The input events from Process A  
22 are redirected to Process B for it to form these predictions or corrections.

23 11. The '984 Patent is valid and enforceable.

24 12. SwiftKey has been in business since 2008. SwiftKey, which operates the  
25 <http://swiftkey.com/en/> website, is also a world leader in predictive text technology for  
26 computerized devices and is a direct competitor of WLC. Upon information and belief,

1 SwiftKey has copied many functional aspects and design features of WLC's predictive text  
2 technology.

3 13. SwiftKey is aware of WordLogic's patents and has been in license  
4 discussions with WLC, including licensing the '984 Patent. License discussions broke down,  
5 yet SwiftKey has not terminated using, manufacturing, licensing, selling, or offering for sale its  
6 predictive text technology that infringes the '984 Patent.

7 14. At a minimum, SwiftKey: processes input key events associated with  
8 user input from a keyboard/keypad type device; receives input key events that are associated  
9 with a first process (process A); monitors the input key events for a first predefined input key  
10 event of a keyboard-type device for at least a predetermined time period; redirects the input key  
11 event from a first process to a second process (Process B) but not to the first process (Process  
12 A); monitors the input key event for a second predefined input key event; and redirects input  
13 key events to another process in response to identifying the second predefined input key event.

14 15. WordLogic has not granted SwiftKey permission to license, to make, use,  
15 sell, or offer for sale any claim of the '984 Patent.

16 **V. CAUSE OF ACTION – INFRINGEMENT OF U.S. PATENT NO. 8,552,984**

17 16. Incorporates by reference paragraphs 1 through 15 as if fully set forth  
18 herein.

19 17. SwiftKey's activities in the United States relating to predictive keyboard  
20 technology for mobile smartphones and tablets constitutes direct, contributory and/or  
21 inducement of infringement of one or more of the claims of the '984 Patent.

22 18. On information and belief, SwiftKey has knowledge of the '984 Patent  
23 and, despite such knowledge, continues to make, use, sell, offer for sale, or license, either  
24 directly or through others, its infringing predictive keyboard technology.

25 19. SwiftKey's infringement of the '984 Patent is willful.  
26

1 **VI. JURY DEMAND**

2 20. Plaintiff demands a trial by jury of all matters to which it is entitled to  
3 trial by jury.

4 **VII. PRAYER FOR RELIEF**

5 WHEREFORE, plaintiff requests that a judgment be granted in its favor as  
6 follows:

7 A. That defendant SwiftKey has infringed and continues to infringe one or  
8 more of the claims of the '984 Patent;

9 B. That defendant SwiftKey and all related parties be preliminarily and  
10 permanently enjoined from further infringement of the '984 Patent;

11 C. That defendant SwiftKey be ordered to account for and pay plaintiffs  
12 actual and exemplary damages to compensate plaintiffs for defendant's acts of infringement, but  
13 in, any event, no less than a reasonable royalty pursuant to 35 U.S.C. § 284;

14 D. That the Court find that the defendant SwiftKey willfully infringed the  
15 '984 Patent;

16 E. That the Court award treble damages for willful infringement pursuant to  
17 35 U.S.C. § 284;

18 F. That this case be deemed exceptional and that plaintiffs be awarded their  
19 costs and reasonable attorneys' fees pursuant to 35 U.S.C. § 285 and other applicable statutes; and

20 G. That the Court grant such other and further relief as it may deem just and  
21 proper.

22 ///

23 ///

24 ///

25 ///

26 ///

1 DATED this 14<sup>th</sup> day of July, 2014.

2  
3 By: *s/ Brian W. Esler*

By: *s/ Kathleen T. Petrich*

Kathleen T. Petrich, WSBA No. 22143

Brian W. Esler, WSBA No. 22168

MILLER NASH LLP

4400 Two Union Square

601 Union Street

Seattle, Washington 98101

Telephone: (206) 622-8484

Facsimile: (206) 622-7485

kathleen.petrich@millernash.com

brian.esler@millernash.com